

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.1
Eastern Division**

In Re: Testosterone Replacement Therapy Products
Liability Litigation, et al.

Plaintiff,

v.

Case No.:
1:14-cv-01748
Honorable
Matthew F.
Kennelly

Eli Lilly and Company, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, October 31, 2014:

MINUTE entry before the Honorable Matthew F. Kennelly: The Court has received and reviewed plaintiffs' proposed case management plan as well as a case management plan proposed by the AbbVie defendants, all of which were filed simultaneously. The Court has the following comments: (1) The Court intends to enter today an order consistent with paragraphs I, II.A, and VII.A–C of plaintiffs' proposed case management order. Plaintiffs are directed to immediately submit to Judge Kennelly's proposed order e-mail address a complete Word version of Exhibit A to their memorandum, which the Court will modify as indicated. (2) AbbVie's proposal includes a request to initially focus expert discovery (though not fact discovery) on general causation, to be followed by *Daubert* and summary judgment motions addressing that issue. It is apparent from plaintiffs' memorandum that they were unaware that AbbVie would offer a proposal of this nature, and as a result they have not commented on it. (3) It appears that all parties anticipate a some different schedule for the non-AbbVie defendants. This was evidently contemplated in their earlier-filed initial proposals as well. The Court confesses that it did not focus on this point at the time. As best as the Court can determine, neither side's proposal appears to propose dates or deadlines regarding the non-AbbVie defendants. (Plaintiff's memorandum proposes that discovery regarding the non-AbbVie defendants "will proceed on a track that trails behind discovery served upon the AbbVie defendants," but it offers no specifics and no indication of when specifics will be proposed.) The Court finds this problematic; as indicated at the last case management conference, the Court intends to get the proceedings moving ahead expeditiously, and the absence of any proposed dates or deadlines for discovery relating to the non-AbbVie defendants may make it difficult to accomplish that goal. For these reasons, the Court sets the matter for a brief hearing on Tuesday, 11/4/2014 at 1:30 PM, to address the following points: (a) AbbVie's proposal for structuring expert discovery and *Daubert* and summary judgment motions; (b) why there should be a different discovery track for the non-AbbVie defendants, and how exactly it should differ; and (c) setting a short deadline for submission of a proposed case management plan with regard to cases

involving the non–AbbVie defendants. The Court advises that the hearing date is not subject to change, and because the Court will be on trial, the parties should be prepared to address these points directly and succinctly. (mk)

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